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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15

16 UNITED STATES OF
AMERICA,

17 Plaintiffs,

18 v.

19 GWEN CAMPBELL TRUST
20 1995, GWEN CAMPBELL,
individually & as trustee of the
21 GWEN CAMPBELL TRUST
22 1995, PHIL CAMPBELL AND
DIANE COTE FAMILY
TRUST, and DIANE COTE as
23 Trustee of the PHIL
CAMPBELL AND DIANE
24 COTE FAMILY TRUST

25 Defendants.

26 CIVIL ACTION NO. _____

27 COMPLAINT

28 The United States of America, by authority of the Attorney General of
the United States and through the undersigned attorneys, acting at the request
of the Administrator of the United States Environmental Protection Agency

2007 AUG 16 AM 11:42
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

CV07-05350 GIK (FFmx)

1 (hereafter "U.S. EPA" or "EPA"), files this complaint and alleges as follows:

2 NATURE OF THE ACTION

3 1. This is a civil action for injunctive relief and recovery of costs under
4 Sections 106(a) and 107 of the Comprehensive Environmental Response,
5 Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9606(a) and
6 9607. The United States seeks injunctive relief in order to remedy conditions
7 in connection with the release or threatened release of hazardous substances
8 into the environment at the Waste Disposal, Inc. Superfund Site in Santa Fe
9 Springs, California (hereinafter referred to as the "Site"). The United States
10 also seeks to recover unreimbursed costs incurred and to be incurred for
11 response activities undertaken and to be undertaken at the Site.

12 JURISDICTION AND VENUE

13 2. This Court has jurisdiction over the subject matter of this action,
14 and the Defendants, pursuant to Sections 106(a), 107(a) and 113(b) of
15 CERCLA, 42 U.S.C. §§ 9606(a), 9607(a) and 9613(b), and under 28 U.S.C.
16 §§ 1331 and 1345.

17 3. Venue is proper in this District under Sections 106(a) and 113(b) of
18 CERCLA, 42 U.S.C. §§ 9606(a) and 9613(b), and 28 U.S.C. § 1391(b) and
19 (c), because the claims arose, and the threatened and actual releases of
20 hazardous substances occurred, within this judicial district.

21 DEFENDANTS

22 4. Each Defendant is a "person," within the meaning of Section
23 101(21) of CERCLA, 42 U.S.C. § 9601(21).

24 5. Each Defendant is a person who owns or operates a part of the Site
25 pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

26 GENERAL ALLEGATIONS

27 6. The Site consists of approximately 38 acres located in an industrial
28 area on the east side of Santa Fe Springs in Los Angeles County, California.

1 The Site is bounded by Santa Fe Springs Road on the northwest, a warehouse
2 and a private high school on the northeast, Los Nietos Road on the southwest,
3 and Greenleaf Avenue on the southeast. A residential area lies to the east of
4 the Site.

5 7. The Site is partially composed of a forty-two million gallon
6 concrete lined reservoir constructed on four land parcels in 1924 and initially
7 used for crude petroleum storage. The reservoir was permitted by Los
8 Angeles County from 1949 until 1964 to receive wastes which included
9 rotary drilling muds, steel mill slag, dry mud cake from oil field sumps, and
10 acetylene sludge. Remedial investigations have shown that disposed
11 materials in the reservoir also included, but were not limited to, the following
12 unpermitted wastes: organic wastes, oil refinery wastes, solvents, and
13 petroleum-related chemicals.

14 8. The Site also consists of eighteen additional parcels of land owned
15 by persons including the Defendants, and hazardous substances were also
16 disposed of on most of these parcels.

17 9. Pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, EPA
18 placed the Site on the National Priorities List, set forth at 40 C.F.R. Part 300,
19 Appendix B, by publication in the Federal Register on July 22, 1987, 52 Fed.
20 Reg. 27620.

21 10. In response to a release or a substantial threat of a release of
22 hazardous substances at or from the Site, EPA commenced, on December 22,
23 1987, a Remedial Investigation and Feasibility Study ("RI/FS") for the Site
24 pursuant to 40 C.F.R. § 300.430. EPA completed a Remedial Investigation
25 ("RI") Report in November, 1990 and completed a Feasibility Study ("FS")
26 in 1993. EPA signed a Record of Decision ("ROD") for the Site in 1993.

1 11. The constituents detected in the samples of waste taken from the
2 reservoir included: volatile organic compounds ("VOCs") such as benzene,
3 vinyl chloride, xylene ("BTEX"), trichloroethene ("TCE") and
4 tetrachloroethene ("PCE"); and semi-volatile organic compounds and metals,
5 such as arsenic, chromium, copper and lead. The same constituents were also
6 detected in the soils both inside the reservoir and in localized areas outside
7 the reservoir, including near some on-site buildings. The same constituents,
8 as well as methane, were also detected in soil vapor monitoring wells
9 installed at the Site during the RI.

10 12. The aforementioned VOCs such as benzene, vinyl chloride,
11 xylene, trichloroethene and tetrachloroethene; and semi-volatile organic
12 compounds and metals, such as arsenic, chromium, copper and lead are
13 "hazardous substances" as defined in Section 101(14) of CERCLA,
14 42 U.S.C. § 9601(14).

15 13. EPA determined that additional FS activities were needed and a
16 Supplemental Feasibility Study ("SFS") Report was completed in May, 2001.

17 14. Pursuant to Section 117 of CERCLA, 42 U.S.C. § 9617, EPA
18 published notice of the completion of the SFS and of the proposed plan for
19 remedial action on May 31, 2001, in a major local newspaper of general
20 circulation. EPA provided an opportunity for written and oral comments
21 from the public on the proposed plan for remedial action. A copy of the
22 transcript of the public meeting is available to the public as part of the
23 administrative record upon which the Regional Administrator based the
24 selection of the response action.

25 15. The decision by EPA on the remedial action to be implemented at
26 the Site is embodied in a final Amended Record of Decision, executed on
27
28

1 June 21, 2002. The Amended ROD includes a responsiveness summary to
2 the public comments. Notice of the final plan was published in accordance
3 with Section 117(b) of CERCLA.

4 16. The Amended ROD provides for a remedy which includes the
5 following: installation of a cap over the reservoir; installation of capping
6 systems for the areas containing waste materials and soil gas outside the
7 reservoir; installation of a gas collection, extraction and treatment system
8 beneath the cap; installation of a liquids collection system in the reservoir;
9 engineering controls at and/or within existing and new buildings; soil vapor
10 extraction systems and/or gas monitoring systems; groundwater monitoring;
11 and institutional controls.

12 17. The Amended ROD is consistent with CERCLA and the National
13 Contingency Plan, 40 C.F.R. Part 300.

14 18. There were and are "releases" within the meaning of Section
15 101(22) of CERCLA, 42 U.S.C. §9601 (22), as well as the threat of
16 continuing releases of hazardous substances, into the environment at and
17 from the Site.

18 19. The Site is a "facility" within the meaning of Section 101(9) of
19 CERCLA, 42 U.S.C. § 9601.

20 FIRST CLAIM FOR RELIEF

21 20. Paragraphs 1-19 are realleged and incorporated herein by
22 reference.

23 21. Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), provides in
24 pertinent part:

25 In addition to any other action taken by a State or local
26 government, when the President determines that there may be an
27
28

1 imminent and substantial endangerment to the public health or
2 welfare or the environment because of an actual or threatened
3 release of a hazardous substance from a facility, he may require
4 the Attorney General of the United States to secure such relief as
5 may be necessary to abate such danger or threat, and the district
6 court of the United States in the district in which the threat
7 occurs shall have jurisdiction to grant such relief as the public
8 interest and the equities of the case may require.

9
10 22. By Executive Order 12580 of January 23, 1987, the President's
11 functions under 106(a) of CERCLA, 42 U.S.C. 9606(a), have been delegated
12 to the Administrator of EPA.

13 23. EPA has determined that there is or may be an imminent and
14 substantial endangerment to the public health or welfare or the environment
15 because of actual or threatened releases of hazardous substances from the
16 Site.

17 24. The Defendants each are liable for the injunctive relief to which
18 the United States is entitled at the Site under Section 106(a) of CERCLA,
19 42 U.S.C. § 9606(a).

20 SECOND CLAIM FOR RELIEF

21 25. Paragraphs 1-19 are realleged and incorporated herein by
22 reference.

23 26. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides, in
24 pertinent part:

25 (1) the owner and operator or a vessel or a facility,

26 ...

27 (4) ... from which there is a release, or a threatened release
28

1 which causes the incurrence of response costs, of a hazardous
2 substance, shall be liable for --

3 (A) all costs of removal or remedial action incurred by
4 the United States Government . . . not inconsistent with the
5 national contingency plan. . . .

6 27. The United States has incurred and will continue to incur costs of
7 removal and remedial actions not inconsistent with the National Contingency
8 Plan in responding to the release or threatened release of hazardous
9 substances at and from the Site, within the meaning of Section 101(23), (24),
10 and (25) of CERCLA, 42 U.S.C. § 9601(23), (24), and (25).

11 28. The Defendants are jointly and severally liable to the United States
12 for all response costs, including the costs of removal and remedial actions,
13 incurred in the past or to be incurred in the future by the United States with
14 respect to the Site, plus interest on the response costs, pursuant to Section
15 107(a) of CERCLA, 42 U.S.C. § 9607(a).

16 PRAYER FOR RELIEF

17 WHEREFORE, Plaintiff, the United States of America, respectfully
18 requests that the Court:

19 1. Order each Defendant to abate the threat posed by the release or
20 threatened release of hazardous substances by performing the remedy
21 selected by EPA in the Amended ROD;

22 2. Award the United States a judgment against the Defendants jointly
23 and severally for all costs incurred by the United States in connection with
24 the Site, plus interest;

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26 //

3. Award the United States a declaratory judgment that the Defendants are jointly and severally liable for all future costs incurred by the United States in connection with the Site.

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